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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/836,075	04/22/97	MAERTENS	

ART. UNIT	PAPER NUMBER
ZEMINATI	13

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HM21/1221

1643
DATE MAILED: 12/21/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 9/28/98
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 63-74 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 63, 64 is/are allowed.
- ☒ Claim(s) 65-70+73 is/are rejected.
- ☒ Claim(s) 71+72 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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DETAILED ACTION

1. Claims 63-74 are pending in this application.
2. Applicant's arguments with respect to claims 63-74 have been considered but are moot in view of the new ground(s) of rejection.
3. In view of Applicant's amendments or arguments the following objections or rejections are withdrawn:

The rejection of claims 63, 65-69 and 73 under 35 U.S.C. 102(b) as being anticipated by Qu et al. is withdrawn.

The rejection of claims 63, 65-69 and 73 under 35 U.S.C. 102(a) as being anticipated by JP 06-319563 is withdrawn.

The rejection of claim 64 under 35 U.S.C. 103(a) as being unpatentable over Qu or JP 06-319563 is withdrawn.

The rejection of claims 70-72 under 35 U.S.C. 103(a) as being unpatentable over Qu and Okamoto as applied to claims 63-69 and 73 above, further in view of Chien is withdrawn.

Claim Rejections - 35 USC § 112

4. Claims 65-70 and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 65-70 and 73 are in improper form because a multiple dependent claim cannot depend from more than one set of previous claims, and must refer to said claims in the alternative only. See MPEP § 608.01(n). Amendment of the claims to incorporate part or all of the referenced subject matter would obviate this rejection.

Allowable Subject Matter

5. Claims 63 and 64 are allowed.
6. Claims 65-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims such that the rejection under 35 U.S.C. 112 is obviated.
7. The following is a statement of reasons for the indication of allowable subject matter: The art of record does not teach or fairly suggest the various subtypes of HCV as recited in the claims. While the diversity of subtypes of HCV was known at the time of the invention, these particular subtypes were unknown, and one would not have been able to predict exactly what the sequences of those subtypes would be.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary K Zeman whose telephone number is (703) 305-7133. The examiner can be reached between the hours of 7:30 am and 5:00 pm Monday through Thursday, and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached on (703) 308-3909.

The fax number for this Art Unit is (703) 305-7401.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

mkz

December 21, 1998


LYNETTE F. SMITH
PRIMARY EXAMINER
GROUP 1800